

RESOLUTION NO. 2021-39

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A
VARIANCE TO ALLOW MAXIMUM WALL HEIGHT OF
A THIRD STORY TO ENCROACH INTO MINIMUM
SETBACK LINES ON THE PROPERTY LOCATED AT 630
SUNSET CIRCLE; PROVIDING FOR FINDINGS;
PROVIDING FOR CONDITIONS; PROVIDING FOR
RECORDING; AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, 3 Peruchos, LLC (“Applicant”) is the owner of 630 Sunset Circle, Key Biscayne, Florida, as more fully described in the legal description attached hereto as Exhibit “A” (“Property”); and

WHEREAS, pursuant to Section 30-63 of the Village Code of Ordinances (“Village Code”), the Applicant has submitted a Planning and Zoning Application, seeking a regulatory variance from the maximum building and wall height envelope requirements of Section 30-100(c)(2)(c) of the Village Code (“Variance”) in order to allow for construction of a third story on the property; and

WHEREAS, after proper public notice, the Village Council conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record concerning the Variance.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. **Findings.** The Village Council finds that the Applicant has met all of the requirements in Section 30-63 of the Village Code. Specifically, the Village Council finds that

the Variance will: (a) result in conditions that maintain and are consistent in all material respects with the intent and purpose of the Village Code, and that the general welfare, stability and appearance of the community will be protected and maintained; and (b) be compatible with the surrounding land uses, and otherwise consistent with the Village Code and the Comprehensive Plan, and will not be detrimental to the community.

Section 3. Approval of Variance. The Village Council hereby approves the Applicant's request to vary the provisions of Section 30-100(c)(2)(c) of the Village Code, subject to the conditions set forth in Section 4 below, to allow the maximum wall height of a third story to encroach into the required minimum setback lines along the north and south sides of the Property as shown on the plan attached hereto as Exhibit "B".

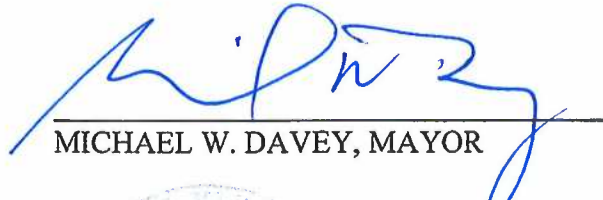
Section 4. Conditions. The approval granted by this Resolution is subject to compliance with the following conditions:

- a. The porch, carport, and covered terrace on the Property must remain as such and must not be converted into living or habitable spaces unless the applicant applies for and receives a variance to replat the Property for deletion or removal of the currently platted setback lines.

Section 5. Recording. This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County, Florida. A copy of the proof of recordation shall be submitted to the Village Clerk prior to the issuance of any building permits.

Section 6. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 24th day of August, 2021.


MICHAEL W. DAVEY, MAYOR

ATTEST:


JOCELYN B. KOCH
VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 7 of REVISED PLAT OF HARBOR COVE, according to the Plat thereof as recorded in Plat Book 76, at Page 12, of the Public Records of Miami-Dade County, Florida

